

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO.35 OF 2006
IN
TESTATMENTARY PETITION NO.402 OF 1987

Bharat Pritamlal Dubal. ...Petitioner

vs.

Vijay Anant Gangan. ...Respondent.

Mr.M.L.Sharma, for Petitioner.

CORAM: D.K.DESHMUKH, J.

DATED: 10th August, 2006.

P.C. :-

1. This is a petition filed for revocation of probate of a Will of one Mr.C.U.Padia. That probate has been granted in the year 1989. The Will of which the probate has been granted, the beneficiary is a public Trust. The petitioner who has filed this petition is son of the daughter of the sister of the deceased. When the probate was granted, the sister of the deceased was living, her affidavit was filed. Admittedly she had filed petition for revocation of the probate, that petition has been dismissed. The petitioner would be the heir of class IV and therefore,

he was not entitled even to be cited in the petition as the sister was living. In these circumstances, therefore, considering the length of time that has passed since the probate was granted and that the petitioner would be the heir of class IV, in my opinion, the petition is not maintainable. Hence, it is disposed of.

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